

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KEENAN WRIGHT, RAYMOND E.)
BLAKE, THEODORE ROLLINS,)
TAKOMA MEDLEY, AND KARL OWENS,)
)
Plaintiffs,)
)
v.) Civil Action No. 07-783-JJF
)
C/O MEARS, STAFF LT. MICHEAL)
COSTELLO, SUSSEX COMMUNITY)
CORRECTIONAL CENTER, C.M.S.,)
CPL. RICHARD CALVERT, CARL C.)
DANBERG, ROBERT GEORGE, RICHARD)
NORWOOD, ADAMS, HANNA,)
HINELINE, AND SPRANGLER,)
)
Defendants.)

FILING FEE ORDER

1. Plaintiffs Keenan Wright, SBI #431053, Raymond E. Blake, SBI #377092, Theodore Rollins, SBI #392812, Takoma Medley, SBI #257334, and Karl Owens, SBI #428918, pro se litigants who are presently incarcerated, have filed this action pursuant to 42 U.S.C. § 1983 and have requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

2. Consistent with 28 U.S.C. § 1915(a)(1), each plaintiff submitted an affidavit stating that he has no assets with which to prepay the filing fee. Based on the plaintiff's affidavits, each of their requests to proceed in forma pauperis are granted.

3. Notwithstanding the above, pursuant to 28 U.S.C. § 1915(b)(1), the plaintiffs shall jointly and severally be assessed the filing fee of \$350.00. In order to determine the schedule of payment of the filing fee, plaintiff Karl Owens shall submit to the Clerk of Court, a certified copy of his trust fund account statement (memorandum or institutional equivalent, with attachments) **showing all deposits, expenditures and balances** during the six-month period, immediately preceding the filing of the complaint, obtained from the appropriate official at the institution at which the plaintiff is confined. **FAILURE OF THE PLAINTIFF TO RETURN THE REQUESTED INFORMATION WITHIN 30 DAYS FROM THE DATE THIS ORDER IS SENT SHALL RESULT IN HIS DISMISSAL FROM THIS ACTION WITHOUT PREJUDICE.**

4. Unless the Court determines from plaintiff Karl Owens' financial information that he has no assets whatsoever, an initial partial filing fee of 20 percent (20%) of the greater of the plaintiff's average monthly deposit or average monthly balance in the trust fund account shall be required to be paid before the court reviews the complaint. **NOTWITHSTANDING ANY PAYMENT MADE, THE COURT SHALL DISMISS THE CASE IF THE COURT DETERMINES THAT THE ACTION IS FRIVOLOUS OR MALICIOUS, FAILS TO STATE A CLAIM UPON WHICH RELIEF MAY BE GRANTED, OR SEEKS MONETARY RELIEF AGAINST A DEFENDANT WHO IS IMMUNE FROM SUCH RELIEF.**

5. Pursuant to 28 U.S.C. § 1915(g), if any plaintiff has had three or more actions dismissed by the Court on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted, then the Court shall deny the plaintiff leave to proceed in forma pauperis in all future suits filed without prepayment of the filing fee, unless the Court determines that the plaintiff is under imminent danger of serious physical injury.

DATED: December 13, 2007

Joseph A. Tansey Jr.
United States District Judge